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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 SAMUEL JACOB ELLIOTT,

10 Petitioner,

11 v.

12 KENNETH QUINN,

13 Respondent.

Case No. C08-5042FDB

ORDER DENYING CERTIFICATE
OF APPEALABILITY

14 Petitioner seeks a certificate of appealability regarding this Court's Order Adopting the
15 Report and Recommendation. The Court agreed with the Magistrate Judge that one claim was
16 unexhausted and procedurally barred, and relief was denied on the remaining claims, as Petitioner's
17 arguments were not persuasive. On this record, a certificate of appealability will be denied as the
18 issues presented could not be subject to debate among jurists of reason. ACCORDINGLY,

19 IT IS ORDERED: Petition for Certificate of Appealability [Dkt. # 24] is DENIED, Motion
20 to Expand Record re Certificate of Appealability [Dkt. # 25] is also DENIED..

21 DATED this 17th day of October, 2008.

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23 FRANKLIN D. BURGESS
24 UNITED STATES DISTRICT JUDGE
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